

Campus Carry is about Civil Rights, and Unelected Bureaucrats

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It is predictable that whenever Montana officials seek to justify government restrictions of rights that we have reserved to ourselves specifically from government interference, the officials first declare that they fully support such rights, then oxymoronicly add the ubiquitous "BUT ..."

That's the message of the opponents to campus carry in the Missoulian's February 22nd article, an article which also conveniently misses the primary thrust of the campus carry debate now before the Legislature, which is:

The U-system pretends that it has the power to suspend the Montana Constitution. It is dangerous to the liberties of all to allow government institutions to get away with administrative emasculation of constitutionally-protected civil rights.

When the people of Montana created our state government, they delegated a limited amount of authority to government. The people also reserved certain rights to themselves, very specifically to prevent governmental entities from denying those rights to people. These restrictions on government power are declared in Article II of the Montana Constitution, the Declaration of Rights.

Nowhere in the Constitution are government institutions given the power to amend, abolish, or suspend the Constitution. That may be done only by a vote of the people.

It is an extremely bad precedent to allow an unelected governmental agency, the U-system, to arrogantly get away with denying people the civil rights we have reserved to ourselves in the Constitution. It doesn't matter that government employees think its a good idea, or if they are "not comfortable" with people exercising civil rights. It matters not whether the right in question is trial by jury, freedom of the press, or the right to keep and bear arms.

If we allow government agencies to eliminate any civil rights by administratively suspending the Constitution, that is indeed a very steep and slippery slope, the bottom of which is an extremely bad place.

What about the more "practical" arguments against campus carry?

"Rights must be used responsibly." That certainly doesn't justify *prior restraint* – preventing people in advance from exercising constitutional rights - assuming people will abuse rights if allowed to exercise them. "You can't yell 'Fire' in a crowded theater," they say. Wrong! You may be punished afterwards for rights abuse, but

government officials may not put duct tape over the mouths of everyone entering a theater on the theory that some fool will surely shout "Fire" if not prohibited in advance.

"All rights are subject to reasonable restrictions." It is the job of the Legislature and the courts to determine what "reasonable restrictions" may be allowed. It is precisely because of the rights abuse by unelected U-system bureaucrats that the issue of campus carry is now before the Legislature.

"We just want to keep everyone safe." Having an obscure policy will never stop a madman, terrorist, or criminal determined to take innocent life. A paper policy won't stop bullets, as all campus mass killings have unequivocally demonstrated. Purported "gun free zones" turn out to be very dangerous places for the innocent and disarmed, which is exactly why madmen choose these places for their mayhem.

When the slaughter begins, intended victims will immediately dial 911 to summon police, not because of the spiffy clothes police wear, and not because of their shiny badges, but because police have guns with which to stop the madman. As is commonly said in the gun culture, when seconds count police are only minutes away.

"If law abiding people have guns, some of them will surely misuse them or have accidents" Not true. Since Montana's concealed weapon permit (CWP) law was enacted in 1991, there is no evidence – NONE – that these trained and sheriff-certified good people are misusing firearms.

"Our students are too irresponsible to be trusted with guns." For 24 years, citizens 18 years old have been able to obtain Montana CWPs. There is no evidence whatsoever that these people are irresponsible or have been getting into trouble with guns. In states that have adopted campus carry, these dire predictions in Montana have just not happened. Look up "projection."

If unelected U-system bureaucrats are allowed to suspend one constitutionally-secured civil right, then they can suspend ALL of them, which violates the letter and intent of the Constitution.

Gary Marbut is President of the Montana Shooting Sports Association, author of *Gun Laws of Montana*, and accepted in state and federal courts as an expert in self defense and use of force.